

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TIARE TECHNOLOGIES, INC.,

Plaintiff,

v.

WHATABURGER RESTAURANTS,
LLC,

Defendant.

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CIVIL ACTION NO. 2:22-CV-0182-JRG-RSP
(Lead Case)

ORDER

Panera Bread Company, Panera, LLC, and Lowes Home Centers, LLC (collectively “Defendants”) previously filed motions to dismiss. (Dkt. Nos. 19, 30.) Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 77) recommending denial of Defendants’ motions to dismiss. Defendants have now filed Objections. (Dkt. Nos. 80, 81.)

After conducting a *de novo* review of the briefing on the motions to dismiss, the Report and Recommendation, and the briefings on Defendants’ Objections, the Court agrees with the reasoning provided within the Report and Recommendation and concludes that the Objections fail to show that the Report and Recommendation was erroneous. Consequently, the Court **OVERRULES** Defendants’ Objections, **ADOPTS** the Report and Recommendation, and **ORDERS** that the Defendants’ motions to dismiss (Dkt. Nos. 19, 30) are **DENIED**.

So ORDERED and SIGNED this 29th day of March, 2023.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE